

Department of Licensing and Regulatory Affairs  
Bureau of Professional Licensing

**NOTICE OF PUBLIC HEARING**

October 16, 2023

9:00 a.m.

Location: 611 W. Ottawa Street, UL-3  
Lansing, Michigan

The hearing is held to receive public comments on the following administrative rules:

**Nursing – General Rules (MOAHR #2022-36 LR)**

**Authority:** MCL 333.16145; MCL 333.16148; MCL 333.16174; MCL 333.16178; MCL 333.16181; MCL 333.16182; MCL 333.16186; MCL 333.16201; MCL 333.16204; MCL 333.16205; MCL 333.16215; MCL 333.16287; MCL 333.17210; MCL 333.17213; MCL 333.17241; Executive Reorganization Order No. 1991-9, MCL 338.3501; Executive Reorganization Order No. 1996-2, MCL 445.2001; Executive Reorganization Order No. 2003-1, MCL 445.2011, and Executive Reorganization Order No. 2011-4, MCL 445.2030.

**Overview:** The proposed rules include the following changes:

**General Provisions and Licensure:** updates to comply with current drafting standards; clarification of the process for licensure verification; recognition of a nursing education program accredited by the Canadian Association of Schools of Nursing; allowing another state board of nursing to attest that an unaccredited closed program, in that state, was in good standing when the program closed; requiring an applicant to pass the NCLEX within 1 year of obtaining a skills competency evaluation; omitting the curriculum review of an endorsement applicant who has been licensed for 5 years without discipline; and easing the licensure requirements for Canadian applicants for endorsement.

**Nursing Education Programs:** clarification of the self-study content requirements; clarification that a program may not enroll students until all site visit deficiencies have been rectified; clarification of reporting requirements and the content of major program changes and requests for seat increases; provision of a process to handle programs that lose accreditation; adoption of the most recent standards of the International Nursing Association for Clinical Simulation and Learning; and updates to the rules regarding board evaluation of a program and the action the board can take following a program evaluation.

**Nurse Specialty Certification:** the portfolio option for the clinical nurse specialist will be omitted as this option to obtain licensure has sunset.

**Continuing Education:** requiring renewal applicants, who also apply for a controlled substance license, to complete a one-time training in opioids and other controlled substance awareness.

Petitions for a waiver of continuing education must be submitted at least 30 days before the last regularly scheduled board meeting before the license expires.

**Nurse Scholarship:** Removal of the restriction prohibiting a student who has a full scholarship from another source from participation.

### **Pharmacy – Controlled Substances (MOAHR #2022-6 LR)**

**Authority:** MCL 333.7106, MCL 333.7109, MCL 333.7203, MCL 333.7216, MCL 333.7301, MCL 333.7303, MCL 333.7303a, MCL 333.7321, MCL 333.7333, MCL 333.17754 and Executive Reorganization Order Nos. 1991-9, 1996-2, 2003-1, and 2011-4, MCL 338.3501, 445.2001, 445.2011, and 445.2030.

**Overview:** The proposed rules will be modified as follows:

For schedules, the proposed changes adopt the federal schedule subject to drugs scheduled by the state after January 6, 2022, and the rules promulgated by the Michigan Board of Pharmacy; remove Bupropion and Gabapentin as exceptions to the federal schedule; remove Pentazocine from Schedule 5 to Schedule 4; provide an exception to the federal scheduling for isomers, Salvia Divorum, Salvinorum A, Synthetic Cannabinoids, and Synthetic Cathinones.

For controlled substances licensure, the proposed changes require a designated prescriber to have a controlled substance license for a health facility if substances are stored there without an on-site pharmacy or an automated device stocked by a pharmacy and provide an exception to licensure for an emergency kit that contains controlled substances.

For records, the proposed rules permit an electronic duplicate of the original paper prescription, which will become the original prescription, 2 years from the last dispensing date; require a pharmacy that holds an additional license for an automated dispensing system, that dispenses controlled substances, to store inventories and schedule order forms at the licensed location of the automated device; and clarify that if a controlled substance is dispensed from an automated device, documentation maintained on-site in the pharmacy must include the automated device's manufacture's name, model number, and the name and address of the facility where the automated device is located.

For controlled substance prescriptions, the proposed changes clarify that a paper prescription is not required to have preprinted numbers representing the quantity next to a box or line; require that the professional designation for the prescribing practitioner be stored electronically; allow a prescriber to seek waiver of electronic prescription transmission requirements if the prescriber can attest that he or she intends, within 12 months, to not regularly practice their licensed profession for financial gain or as a means of livelihood; and clarify that the prescriber must deliver to the dispensing pharmacist a written prescription postmarked within 7 days after the date the prescription was dispensed, or electronically transmit the prescription under R 338.3162a.

For controlled substance distributions, the proposed changes require a licensee to provide written notification to the department 15 days before controlled substances are transferred.

The rules will take effect immediately upon filing with the Secretary of State, unless specified otherwise in the rules. Comments on the proposed rules may be presented in person at the public hearing. Written comments will also be accepted from date of publication until **5:00 p.m. on October 16, 2023**, at the following address or e-mail address:

Department of Licensing and Regulatory Affairs  
Bureau of Professional Licensing– Boards and Committees Section  
P.O. Box 30670  
Lansing, MI 48909-8170  
Attention: Departmental Specialist    Email: [BPL-BoardSupport@michigan.gov](mailto:BPL-BoardSupport@michigan.gov)

A copy of the proposed rules may be obtained by contacting Board Support at (517) 241-7500 or the email address noted above. Electronic copies also may be obtained at the following link:

**Nursing**

<https://ars.apps.lara.state.mi.us/Transaction/RFRTransaction?TransactionID=1395>

**Pharmacy – Controlled Substances**

<https://ars.apps.lara.state.mi.us/Transaction/RFRTransaction?TransactionID=1365>

To allow for broad public attendance and participation, including for persons with disabilities, members of the public may access this meeting by both web and phone and provide either oral or written comments. Closed captioning will be provided, when available. Members of the public who are speech or hearing impaired may also attend and participate in this meeting by dialing 7-1-1 and using the Michigan Relay service. More information about this service may be found at [https://www.michigan.gov/mpsc/0,9535,7-395-93308\\_93325\\_93425\\_94040\\_94041---,00.html](https://www.michigan.gov/mpsc/0,9535,7-395-93308_93325_93425_94040_94041---,00.html).

People with disabilities requiring additional accommodations (such as materials in alternative format) to participate in the meeting, or those that have questions should contact the department at [BPL-BoardSupport@michigan.gov](mailto:BPL-BoardSupport@michigan.gov).

**Please call (517) 241-7500 or email [BPL-BoardSupport@michigan.gov](mailto:BPL-BoardSupport@michigan.gov) with any questions related to the hearing.**